MC 2698/2007
BEFORE
HON'BLE JUSTICE RANJAN GOGOI
.
Heard Mr. I. Choudhury, learned counsel for applicant/respondent No.6 in support of the prayer for vacation/modification/ alteration of the interim order dated 4.7.2007 passed by this Court in WP(c) No.3425/2007 out of which this Misc. Case has arisen. Also heard Mr. A. K. Goswami, learned Senior Counsel appearing for the O.P./writ petitioner in the aforesaid writ petition.

The facts, in short, may be noticed at the outset. The Annual General Meeting of the Dibru Dangari River Pt-I Min Samabai Samity Ltd. (hereinafter refereed to as the Cooperative Society) was held on 30.5.2007. According to the applicant/respondent No.6, some items of the agenda were transacted on the said date and the rest of the items of the agenda including election of the office bearers were postponed to 10.6.2007. On 10.6.2007 elections were held in which a new body was constituted of which the applicant/respondent No.6 claims to be the elected Chairman. The said facts are disputed by the O.P./writ petitioner on whose behalf submissions have been made that elections were held on 30.5.2007 in which the writ petitioner was elected as the Chairman of the Cooperative Society.

Thereafter, it appears that the proceedings of the annual general meeting were transmitted to the Assistant Registrar of the Cooperative Societies for confirmation. However, on 16.6.2007 an ad hoc body headed by the writ petitioner was constituted with the stipulation that fresh elections will be held within a period of 90 days. Objections having been raised by the applicant/ respondent No.6 before the jurisdictional Assistant Registrar the order dated 16.6.2007 was cancelled and a one-man committee consisting of a Govt. official was appointed to run the affairs of the Cooperative Society. This was by order dated 4.7.2007. On the said date the writ petitioner moved this Court by instituting the writ petition in question wherein the interim order dated 4.7.2007 was passed by virtue of which the ad hoc committee headed by the writ petitioner was directed to be allowed to continue in office. Vacation/ modification/ alteration of the said interim order has been prayed for by means of the present Misc. Case.

The facts stated above would go to show that claims and counter-claims have been made with regard to the business transacted in the annual general meeting on 30.5.2007 and also the legality of the subsequent meeting which the applicant/respondent No.6 claims was held on 10.6.2007. Both the applicant/respondent No.6 and the writ petitioner claim to have been elected as the Chairman of the Cooperative Society in the meetings held on 30.5.2007 and 10.6.2007 respectively. The writ petitioner who is now controlling the affairs of the Cooperative Society by virtue of the interim order of this Court dated 4.7.2007 read with the order dated 16.6.2007 constituting the adhoc committee, is contemplating to hold the elections in terms of the order dated 16.6.2007 on Sunday next (09.9.2007). The applicant/ respondent, on the other hand, complains that many bona fide members of the Society including the applicant himself have been struck off from the list of voters making them ineligible from taking part in the election. All the above facts which arises from the conflicting claims of the parties will have to be resolved which will be possible at a full length hearing and after the official version of what had happened is placed before the Court.

While the final hearing of the case may require some time, it will be the bounden duty of the Court to make an alternative arrangement which will ensure that the interest of all sections are adequately taken care of. In the fact situation noticed above, the Court is of the view that the interim order dated 4.7.2007 should be vacated which vacation will have the effect of reviving the order dated 4.7.2007 passed by the Registrar of Cooperative Societies appointing a Govt. official to run the aforesaid Society. It is, therefore, ordered accordingly with the further direction that the official appointed by the order dated 4.7.2007 will assume charge of the Cooperative Society forthwith. The said official will examine as to whether the election scheduled to be held on 09.9.2007 is required to be held or the same needs to be postponed in the larger interest of the Society. On such verification being made by the concerned official appropriate orders in

this regard will be passed. It is further made clear that in the event elections scheduled for 09.9.2007 are held the results of the same will be placed before the Court and such body as may be elected in the said election will not assume office without the leave of the Court.

The above directions will dispose of the Misc. Case.